

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

John S. Staple,

Plaintiff,

Case No. 16-cv-12648

v.

Judith E. Levy

United States District Judge

Commissioner of Social Security,

Mag. Judge Stephanie Dawkins

Defendant.

Davis

_____/

**ORDER ADOPTING MAGISTRATE JUDGE DAVIS'S REPORT
AND RECOMMENDATION [25] ON THE CROSS-MOTIONS FOR
SUMMARY JUDGMENT [20, 22]**

This is a Social Security appeal. Before the Court is Magistrate Judge Davis's Report and Recommendation (Dkt. 25) recommending the Court grant plaintiff's motion for summary judgment (Dkt. 20) and grant/deny defendant's motion for summary judgment (Dkt. 25), issued August 24, 2017. The parties were required to file specific written objections within 14 days of service. Fed. R. Civ. P. 72(b)(2); E.D. Mich. L.R. 72.1(d). No objections were filed. Accordingly, and on review of the Report and Recommendation,

The Report and Recommendation (Dkt. 25) is ADOPTED;
Plaintiff's motion for summary judgment (Dkt. 20) is GRANTED;
Defendant's motion for summary judgment (Dkt. 22) is DENIED;
and

The findings of the Commissioner are REVERSED AND
REMANDED for proceedings consistent with the Report and
Recommendation.¹

IT IS SO ORDERED.

Dated: September 13, 2017
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on September 13, 2017.

s/Shawna Burns
SHAWNA BURNS
Case Manager

¹ The parties, by failing to object to the Report and Recommendation, have waived any further right of appeal. *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).